



# FloorPrep

Legislative Digest

Thursday, August 6, 1998

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 2183—Bipartisan Campaign Integrity Act**

**H.R. 3892—English Language Fluency Act**

**H.R. 4380—FY 1999 District of Columbia Appropriations Act**



## **H.R. 2183—Bipartisan Campaign Integrity Act**

**Floor Situation:** The House is expected to complete consideration of H.R. 2183 as its first order of business today. On Wednesday, May 20, the Rules Committee granted a “Queen of the Hill” rule which states that if more than one substitute amendment is adopted, the one which receives the greatest number of votes will prevail and be reported back to the House. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Yesterday, the House reached a unanimous consent agreement to consider five substitutes “up-or-down”—thus allowing no amendments—in the order specified below. Each substitute is debatable for 40 minutes, except the Hutchinson substitute, which is debatable for 60 minutes.

**Summary:** H.R. 2183 amends the 1971 Federal Election Campaign Act (FECA) to (1) ban the use of certain “soft money” by national political parties and federal candidates; (2) increase the aggregate annual limit on contributions made by individuals to political parties; and (3) repeal limitations on the amount of coordinated expenditures that may be made by political parties. The bill indexes contribution limits to inflation beginning in 1999 and requires that radio and television communications paid for by third parties be fully disclosed. The measure revises current Federal Election Commission (FEC) filing requirements to mandate monthly reports by principal campaign committees and other political committees and requires electronic filing for certain reports. The bill also eliminates the “best efforts” exception with respect to obtaining information regarding the occupation or the name of employers of certain individual contributors.

On August 3, the House passed the Shays-Meehan amendment in the nature of a substitute to H.R. 2183 by a vote of 237-186.

**Views:** The Republican leadership has not taken a unified position on the measure or any of the substitutes. The Clinton Administration has expressed support for the Shays-Meehan substitute.

**Amendments:** As stated above, yesterday the House reached a unanimous consent agreement to consider five substitutes “up-or-down”—thus allowing no amendments—in the order specified below. Each substitute is debatable for 40 minutes, except the Hutchinson substitute, which will be debatable for 60 minutes.

### — *Tierney Substitute* —

The Tierney substitute creates a voluntary system where candidates may choose either private financing or public funding through the “Clean Money, Clean Election Act.” The substitute eliminates soft money and establishes a “clean money” qualifying period at 180 days before the date of the primary election. The measure requires a candidate wishing to qualify for money from the House Election Fund to spend only “seed money” contributions (i.e., contributions from private individuals that total no more than \$100). The measure limits seed money contributions to \$35,000. The substitute authorizes additional “clean money” funding to candidates to match aggregate expenditures by private money candidates and independent expenditures made against the “clean money” candidate on behalf of an opponent. The substitute requires campaign ads to contain sufficient information clearly identifying the candidate on whose behalf the advertisement is being placed. Finally, the measure increases the FEC by one member and allows it to conduct random audits and investigations. **Staff Contact: David Williams, x5-8020**

### — *Farr Substitute* —

The Farr substitute establishes “voluntary” campaign spending limits of \$600,000 and imposes new PAC and individual contribution limits. The substitute provides public benefits to candidates in the form of lower broadcast rates and bulk mail postage rates and eliminates soft money at the federal level. In addition, the substitute requires greater disclosure of independent expenditures such as requiring notification to the FEC and the Secretary of State within 48 hours of independent expenditures each time they total \$2,500 from a single source or an aggregate amount of at least \$5,000, until the 20th day before the election. The FEC must be notified by the 20th day before the election of the intent to make independent expenditures during the election’s last 20 days. The measure also requires the FEC to notify all candidates within 48 hours of an independent expenditure. Finally, the amendment broadens the definition of express advocacy to include communications that suggest support or opposition to a candidate or group of candidates. **Staff Contact: Naomi Seligman, x5-2861**

### — *Doolittle Substitute* —

The Doolittle substitute repeals limits on contributions by individuals, political parties, and political action committees to candidates or political parties. The measure terminates taxpayer financing of presidential election campaigns. It requires political parties to distinguish between federal and non-federal funds and requires each state party to file with the FEC a copy of the same disclosure

forms it files with the state government. The substitute also requires that (1) campaign reports be filed electronically, (2) reports be filed every 24 hours during the last 90 days of the election, and (3) the FEC post all campaign reports on the Internet. The amendment prohibits candidates from accepting campaign contributions unless specific disclosure requirements are met. **Staff Contact:** *Pete Evich, x5-2511*

### — *Obey Substitute* —

The Obey substitute bans soft money for House elections. It amends the 1971 Federal Election Campaign Act to establish spending limits and provide public financing for House general elections by creating a “Grassroots Good Citizenship Fund” to provide federal funding for elections instead of using private money. The substitute provides money to the fund by soliciting voluntary payments from citizens and assessing a 0.1 percent tax on corporate income of \$10 million or more. The measure bases funding for major party candidates on the median household income of each district with a maximum allocation of \$500,000 per candidate. The amendment prohibits independent expenditures and express advocacy activities relating to congressional elections 90 days before the general election. Finally, the amendment states that if the Supreme Court finds the substitute unconstitutional, then the House will consider under expedited procedures a constitutional amendment empowering Congress to make reasonable restrictions on contributions, expenditures, and express advocacy ads for the 90 days preceding the general election. **Staff Contact:** *Will Stone, x5-3365*

### — *Hutchinson Substitute* —

The Hutchinson substitute is identical to the underlying base text of H.R. 2183 except in the following ways: (1) its short title has been changed to reflect the new calendar year; (2) it clarifies that candidates for federal office may attend state political party fundraisers in their home state; and (3) it adds a new section to increase limits on political action committee contributions to political parties from \$15,000 to \$20,000 a year. **Staff Contact:** *Stacey Shrader, x5-4301*

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #14, Pt. II, June 1, 1998.



## **H.R. 3892—English Language Fluency Act**

**Floor Situation:** The House is scheduled to consider H.R. 3892 after it completes consideration of H.R. 2183. On Tuesday, August 4, the Rules Committee granted a modified open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Education & Workforce Committee. The rule limits debate on amendments to three hours, after which no amendment will be made in order except for those printed in the *Congressional Record*, which will then be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent. The rule makes in order a committee amendment in the nature of a substitute as base text. It accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes

and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

**Summary:** H.R. 3892 amends Title VII of the 1965 Elementary and Secondary Education Act (ESEA), which authorizes federal bilingual and immigrant education programs, to establish a program to help children and youth learn English. Currently, Title VII programs are authorized through FY 2000. To allow for more flexibility in the way these programs are run, the measure provides block grants to states for FYs 1999-2003. The bill requires that at least 90 percent of these block grants be provided to local education agencies (LEAs). The primary aim of the bill is for children to attain English skills within two years. Consequently, funds in the bill may not be used to provide instruction or assistance to any child for more than three years; however, the bill does not prohibit continued support with state and local funding. In addition, the bill changes the name of Title VII of ESEA from “Bilingual Education, Language Enhancement, and Language Acquisition Programs” to “English Language Fluency and Foreign Language Acquisition Programs.” The measure also repeals authority for the Emergency Immigrant Education Program under Title VII.

To expand parental choice, H.R. 3892 requires that parents be given notification when their child is identified as needing English language instruction. The bill grants parents the right to consent to or refuse the child’s participation in such a program and stipulates that they may remove their child from the program if they wish. If more than one method of instruction is offered, parents will make the selection. CBO estimates that enactment of H.R. 3829 will result in discretionary spending of \$334 million in FY 1999, \$352 million in FY 2000, \$353 million in FY 2001, \$350 million in FY 2002, and \$349 million in FY 2003. The bill was introduced by Mr. Riggs on May 19, 1998; the Committee on Education & Workforce ordered the bill reported by a vote of 22-17 on June 4, 1998.

**Views:** The Republican Leadership supports passage of the bill. An official administration view was unavailable at press time.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 3892.

**Mr. Bonilla** may offer an amendment (#3) to remove a provision in the bill mandating standardized tests in English only, thus allowing for bilingual tests. **Staff Contact:** *Angela Rogers, x5-4511*

**Mr. Hayworth** may offer an amendment (#4) to stipulate that nothing in the bill shall be construed to limit the preservation or use of Native American languages (as defined in the Native American Languages Act) or Alaska Native languages. **Staff Contact:** *Bob Holmes, x5-2190*

**Ms. Mink** may offer an amendment (#5) to stipulate that in cases where states have only one school district, states may make grants to state education agencies. The bill requires that at least 90 percent of the block grants go to local education agencies. **Staff Contact:** *Laura Efurd, x5-4906*

**Mr. Smith (MI)** may offer an amendment (#6) to add to the bill’s list of approved local activities family literacy programs that work with English language learners and immigrant children and youth to simultaneously improve the language skills of children and their parents. **Staff Contact:** *Paul Borchers, x5-6276*

**Mr. Riggs** may offer an amendment (#7) to add to the bill's list of approved local activities tutoring programs for limited English-proficient and immigrant children and youth that provide early intervention services to prevent such children from dropping out of school. **Staff Contact: Mark Davis, x5-3311**

**Mr. Riggs** may offer an amendment (#8) to make the following two changes to the evaluation section of the bill: (1) clarify that progress will be determined by both the number and percentage of children who have attained mastery in English at the end of the school year; and (2) outline the design for measures to evaluate the English language skills of students based on the grade of the child. **Staff Contact: Mark Davis, x5-3311**

**Mr. Riggs** may offer an amendment (#9) to guarantee that, during the transition from competitive grants to formula grants over the next five fiscal years, states will receive no less than the base amount as defined in the bill. **Staff Contact: Mark Davis, x5-3311**

**Mr. Scott** may offer an amendment (#10) to eliminate a provision in the bill that voids all compliance agreements regarding bilingual education between the Office of Civil Rights and states, localities, or local education agencies. Opponents of this provision—supporters of the amendment—contend that it is an attempt to gut enforcement of the 1964 Civil Rights Act. However, supporters of the bill argue that by voiding these compliance agreements, local school districts will be freed from federal entanglement. **Contact: x5-8351**

**Mr. Young (AK)** may offer an amendment (#11) to include in the bill's definition of "English language learner" Alaska Natives and Native Americans not being served by a Bureau of Indian Affairs (BIA) entity, to ensure that such individuals will be eligible for service under state formula grants. **Staff Contact: Dan Logan, x5-5765**

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #21, July 31, 1998.



## **H.R. 4380—FY 1999 District of Columbia Appropriations Act**

**Floor Situation:** The House will consider H.R. 4380 after it completes consideration of H.R. 3892. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking member of the Appropriations Committee. The rule waives Budget Act requirements which prohibit consideration of (1) legislation within the Budget Committee's jurisdiction that was not reported by it and (2) legislation that provides new contract or borrowing authority not limited to appropriated amounts, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations, and reappropriations. It makes in order four specific amendments—by Mr. Tiahrt, Mr. Largent, Mr. Bilbray, and Mr. Armey—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, provides one motion to recommit, with or without instructions.

**Summary:** H.R. 4380 appropriates \$485.8 million for the federal payment to the District of Columbia (D.C.), \$420,000 less than the president's request and \$349.2 million less than FY 1998 (included in the FY 1998 appropriations bill was \$302 million for D.C. Corrections Facilities Construction and Repair—which is now funded through the Commerce-State-Justice bill). This funding pays for the operation of the Nation's Capital, D.C. Correction activities, and D.C. courts. Of this amount, the bill provides (1) \$184.8 million for the Corrections Trustees for facility construction repair and transitional housing of felons; (2) \$142 million for operating city courts; and (3) \$20.4 million for charter schools. The bill includes several legislative provisions to reform D.C. city operations.

The bill also:

- \* repeals a D.C. law stating that most new city government workers have to live in the District;
- \* prohibits federal money from being spent on needle exchange programs in D.C.;
- \* continues to prohibit federal or district-raised funding to implement programs that extend the same rights as married couples to cohabitating unmarried couples—such as domestic partners;
- \* continues to prohibit the use of any federal or district-raised funding to provide abortions, except in the case of rape, incest, or danger to the mother's life;
- \* prohibits federal funds from being used to sue Congress for voting representation;
- \* mandates that any city budget surplus be devoted to (1) paying off the \$79 million in accumulated debt, (2) creating a \$250 million revolving or rainy day fund which will finance seasonal cash needs instead of using short-term borrowing, (3) paying off debt to the Water and Sewer Fund, and (4) retiring long-term debt.

CBO estimates that enactment of H.R. 4380 will result in outlays of \$427 million for FY 1999 and \$2 million in FY 2000. H.R. 4380 was submitted by Mr. Taylor on July 30, 1998, and was reported by the Appropriations Committee on August 3, 1998.

**Views:** The Republican leadership supports passage of H.R. 4380. The Clinton Administration opposes the bill's prohibition on the use of federal and District funds to pay for abortions except in specified cases. The president has also threatened to veto the bill if amendments are attached to it regarding (1) providing school vouchers in the District, (2) prohibiting adoptions in the District by couples that are unmarried or not blood related, and (3) prohibiting the use of federal and local funds for needle exchange programs.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4380:

**Mr. Armey** may offer an amendment, debatable for one hour, to establish a District of Columbia Scholarship Corporation to administer a program to provide student opportunity scholarships to eligible District residents. This non-profit corporation will be run by a seven-member board of directors of District residents—chosen by congressional leaders, the president, and the mayor of

D.C.—that are not employed by either the federal or D.C. governments. The scholarships may be used to pay for tuition at public or private schools in D.C. and adjacent counties in Virginia or Maryland. District students with family incomes below the poverty level may receive full K-12 scholarships of up to \$3,200 per year; students who do not exceed 185 percent of the poverty line may receive scholarships of up to \$2,400. In addition, students receiving tutoring assistance are eligible to receive a \$500 per year enhanced achievement scholarship. The amendment stresses that these scholarships are provided directly to the students and not the schools. If sufficient funds are not available for all applicants, then the scholarships will be awarded randomly to eligible applicants.

The amendment is designed to provide tuition scholarships to 2,000 children and tutoring assistance to an equal number of students. It authorizes \$7 million for FY 1999, \$8 million for FY 2000, and \$10 million for FYs 2001 through 2003. The amendment also appropriates \$5.4 million in FY 1999 for an initial federal contribution. The maximum scholarship amounts for FYs 2000 through 2003 will be adjusted to changes in the Consumer Price Index. **Staff Contact: Andrew Laperriere, x5-7772**

**Mr. Bilbray** may offer an amendment, debatable for 20 minutes, to prohibit minors within the District of Columbia from possessing tobacco products. It establishes penalties for possession of \$50 for the first violation, \$100 for the second, and suspended driving privileges within the District for the third and each subsequent violation. In addition, for any violation, the minor may be required to perform community service or attend a tobacco cessation program. The only exception for possession of tobacco is if the minor is making a delivery for an employer. **Staff Contact: Mickey Forrest, x5-2040**

**Mr. Largent** may offer an amendment, debatable for 30 minutes, to prohibit joint adoptions in the District of Columbia by persons who are not related by either blood or marriage. **Contact: x5-2211**

**Ms. Holmes-Norton** may offer an amendment (#1) to allow \$573,000 of the District's locally raised funds to be used for the Advisory Neighborhood Commissions (ANCs). The bill currently prohibits funding for the ANCs because of gross financial mismanagement cited by the D.C. Auditor. **Staff Contact: Donna Brazile, x5-8050**

**Ms. Holmes-Norton** may offer an amendment (#2) to allow the District to spend locally raised money to provide abortions. Currently, the bill prohibits both federal and District money from being used for abortions, unless the life of the mother is in danger or the pregnancy is the result of rape or incest. **Staff Contact: Donna Brazile, x5-8050**

**Ms. Holmes-Norton** may offer an amendment (#3) to strike language in the bill that prohibits any of the bill's funds from being used for petition drives or civil action to require Congress to provide congressional voting representation for the District. **Staff Contact: Donna Brazile, x5-8050**

**Ms. Holmes-Norton** may offer an amendment (#4) to strike language in the bill which repeals the 1998 Residency Requirement Reinstatement Amendment Act, which requires that most new city government workers must live within the city. **Staff Contact: Donna Brazile, x5-8050.**

**Mr. Tiahrt** may offer an amendment, debatable for 30 minutes, to prohibit federal and District funds from being spent on any program to distribute hypodermic needles for the purpose of illegal drug injection. Also, the amendment prevents payments from being given to any persons or entities that carry out such programs. **Staff Contact: Sarah Sunday, x5-6216**

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #21, Pt. II, August 4, 1998.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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# Amendment Alert!

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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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John Boehner  
Chairman  
8th District, Ohio

Member Sponsoring Amendment: \_\_\_\_\_ Bill#: \_\_\_\_\_

Additional Co-sponsors (if any): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone#: \_\_\_\_\_ Evening Phone#: \_\_\_\_\_

Description of the amendment: \_\_\_\_\_

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): \_\_\_\_\_

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*Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.*

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